

EXHIBIT 1

49D14-2006-CT-018957

Marion Superior Court, Civil Division 14

Filed: 6/10/2020 6:10 PM

Clerk

Marion County, Indiana

STATE OF INDIANA) IN THE MARION COURT
) SS:
COUNTY OF MARION) CAUSE NO.

TODD MCADAMS

VS.

BIRD RIDES, INC.

COMPLAINT FOR DAMAGES

Comes now the plaintiff, Todd McAdams, by counsel, Ken Nunn Law Office, and for cause of action against the defendant, Bird Rides, Inc., alleges and says:

1. That on or about June 24, 2019, the plaintiff, Todd McAdams, was riding a Bird scooter when the brakes failed, causing plaintiff to crash the Bird scooter and suffer serious injuries.
2. That said incident occurred within the boundaries of Marion County, Indiana.
3. That the defendant negligently failed to inspect and/or maintain the Bird scooters used by the public.
4. That it was the duty of the defendant to use ordinary care and diligence to keep and maintain the said scooter in a condition reasonably safe for its intended uses and free from all defects and conditions which would render the scooter dangerous and unsafe for plaintiff, or present an unreasonable risk of harm to plaintiff in his lawful use of same.
5. That it was the duty of the defendant to exercise reasonable care to protect plaintiff, by inspection and other affirmative acts, from the danger of reasonably foreseeable injury occurring from reasonably foreseeable use of said scooter.
6. That it was the duty of the defendant to warn plaintiff of the dangerous and unsafe condition of the scooter.
7. That the defendant knew or should have known of the unreasonable risk of danger to the plaintiff but failed either to discover it or to correct it after discovery.

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8. That the resultant permanent injuries of plaintiff were caused by the negligence of the defendant who failed to utilize reasonable care in the inspection and maintenance of said scooter.

9. That the aforesaid acts of negligence on the part of the defendant were the proximate cause of the injuries sustained by the plaintiff.

10. That the plaintiff has incurred medical expenses, lost wages and other special expenses, and will incur future medical expenses, lost wages and other special expenses, as a direct and proximate result of defendant's negligence.

WHEREFORE, the plaintiff demands judgment against the defendant for permanent injuries in a reasonable amount to be determined at the trial of this cause, for medical expenses, lost wages and other special expenses, for future medical expenses, lost wages and other special expenses, court costs, and all other proper relief in the premises.

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REQUEST FOR TRIAL BY JURY

Comes now the plaintiff, by counsel, Ken Nunn Law Office, and requests that this matter be tried by jury pursuant to Trial Rule 38.

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Attorney for Plaintiff